

Message Text

CONFIDENTIAL

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ACTION L-03

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TO SECSTATE WASHDC 1362

C O N F I D E N T I A L USUN 5856

E.O. 11652: GDS

TAGS: PINS, PFOR, UNGA

SUBJ: SIXTH COMMITTEE (LEGAL) -- HOSTAGES NEGOTIATIONS

REF: USUN 5670

1. AS REPORTED EARLIER (REFTEL), GROUPS HAVE BEEN NEGOTIATING ON FRG RESOLUTION IN EFFORT FIND BASIS FOR CONSENSUS ADOPTION OF RESOLUTION ON HOSTAGES. AFTER SEVERAL ROUNDS OF NEGOTIATIONS, TENTATIVE AND AD REFERENDUM TEXT WHICH EMERGED IS AS FOLLOWS: PREAMBULAR PARAS OF FRG RESOLUTION WILL BE LEFT UNCHANGED EXCEPT FOR MERGER OF THIRD AND FOURTH PREAMBULAR PARAS TO READ: "RECOGNIZES THAT THE TAKING OF HOSTAGES CONSTITUTES AN ACT WHICH ENDANGERS OR TAKES INNOCENT HUMAN LIVES AND VIOLATES HUMAN DIGNITY", AND CHANGE SEVENTH PREAMBULAR PARA TO READ AS FOLLOWS: "RECOGNIZING THE URGENT NEED FOR FURTHER EFFECTIVE MEASURES IN RELATION TO THE TAKING OF HOSTAGES". OPERATIVE PARA 3 TO BE AMENDED BY DELETING ALL OF THE LANGUAGE AFTER THE WORD "HOSTAGES" I.E. DELETE CONDEMNATION AND EXPRESS REQUEST THAT CONVENTION BE BASED ON PRINCIPLE OF PROSECUTION OR EXTRADITION.

2. SUBSEQUENTLY GERMANS WERE INFORMED THAT AS ALTERNATIVE TO DELETION OF LAST PART OF OP PARA 3, NON-ALIGNED COULD ACCEPT RETENTION PARA 3 AS CURRENTLY DRAFTED WITH ADDITION OF NOTION THAT WHATEVER COMMITTEE DOES MUST BE CONFIDENTIAL

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CONSISTENT WITH TERRITORIAL INTEGRITY, POLITICAL

INDEPENDENCE AND SOVEREIGNTY OF ALL COUNTRIES.

3. AT MEETING OF COSPONSORS FRG ITEM, FRG REPORTED THAT NON-ALIGNED NEGOTIATORS CLAIMED TO BE HAVING SOME DIFFICULTY SELLING ABOVE-DESCRIBED TENTATIVE COMPROMISE AND THAT SOME MEMBERS OF NON-ALIGNED WERE STILL INSISTING ON INSERTION OF WORD "INNOCENT" BEFORE WORD "HOSTAGE" WHEREVER LATTER APPEARED.

4. LENGTHY COSPONSORS MEETING HELD PM DEC 2 ACCURATELY SUMMARIZED BY BUSSE (FRG) AS FOLLOWS: ALL DELEGATIONS AGREED IF OPPOSITION INSISTS ON "INNOCENT HOSTAGE" AND IT SEEMED LIKELY BE ADOPTED. FRG SHOULD WITHDRAW RES. CANADA SAID FRG SHOULD ALSO WITHDRAW RES IF MANDATE IN OP PARA 3 "TO PROSECUTE OR EXTRADITE" IS ELIMINATED. MAJORITY OF DELEGATES WERE UNHAPPY WITH USE OF "INNOCENT" SUGGESTED FOR PREAMBULAR PARA 4, BUT WOULD ACCEPT IT. A MAJORITY OF DELEGATES COULD ACCEPT SOME CAREFULLY WORDED LANGUAGE IN OP PARA 3 REGARDING TERRITORIAL INTEGRITY, IF MANDATE OF "PROSECUTE OR EXTRADITE" WAS ALSO RETAINED IN PARA. MOST DELEGATIONS, HOWEVER, WOULD PREFER DELETING MANDATE RE "PROSECUTE OF EXTRADITE" RATHER THAN INCLUDE TERRITORIAL INTEGRITY LANGUAGE.

5. US TOOK VIEW THAT TEXT WHICH EMERGED FROM NEGOTIATIONS WAS FAR FROM OPTIMAL BUT NOT ONE TO WHICH WE WOULD RAISE MAJOR OBJECTIONS. DID NOT AGREE THAT ABSENCE OF EXPRESS MANDATE RE "PROSECUTE OR EXTRADITE" WOULD BE VALID GROUND FOR WITHDRAWAL OF THE RESOLUTION. SAID THAT AT THIS POINT THE GLOSS THAT HAD BEEN PLACED ON THE NOTION OF "INNOCENT HOSTAGES" WAS SUCH THAT IT WOULD PROBABLY BE BETTER TO WITHDRAW THE RESOLUTION RATHER THAN HAVE IT AMENDED BY INCORPORATION OF "INNOCENT HOSTAGES".
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